IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA HUNTINGTON DIVISION

ANTONIO J. WHITEHEAD,

Movant,

v.

CIVIL ACTION NO. 3:13-21626 CRIMINAL ACTION NO. 3:09-00099-04

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate

Judge, for submission to this Court of proposed findings of fact and recommendation for

disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings

of fact and recommended that the Court deny Movant's Motion under 28 U.S.C. § 2255 to Vacate,

Set Aside or Correct Sentence (ECF No. 414) and dismiss this civil action from the docket of the

Court. Neither party has filed objections to the Magistrate Judge's findings and

recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation

of the Magistrate Judge and **DENIES** Movant's Motion under 28 U.S.C. § 2255 to Vacate, Set

Aside or Correct Sentence (ECF No. 414) and **DISMISSES** this civil action from the docket of

the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all

counsel of record, and any unrepresented parties.

ENTER:

August 23, 2016

ROBERT C. CHAMBERS, CHIEF JUDGE